United States Department of the Interior, Oscar L. Chapman, Secretary
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FISHERY LEAFLET 283 (Revised)

Washington 25, D. C. January 1950

M E X I C A N F I S H E R Y L A W O F D E C E M B E R 31, 1949

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PREFACE

In October 1947 the Fish and Wildlife Service issued Fishery Leaflet 260, "MEXICAN FISHERY LEGISLATION," which was compiled and translated by Milton J. Lindner with the assistance of Miss Janet Park. That publication consisted of a discussion of Mexican fishery legislation enacted prior to September 1947 which was of interest to the American fishing industry, and it also included the texts of the most important laws and orders. In February 1948 the Service issued Fishery Leaflet 283, which presented a verbatim and ad literatim translation of a new basic Mexican fishery law which was approved December 31, 1947, and published in the Diario Oficial, Mexico, D. F., January 13, 1948.

The present publication is an additional supplement to Fishery Leaflet 260, and is a verbatim translation (in which obvious typographical errors in the original text have been corrected) of the revised Mexican fishery law of December 31, 1949, which was published in the Diario Oficial of January 16, 1950. The new law is a revision of the law of December 31, 1947.

The new law enters into effect 60 days after date of publication, however, it is optional for holders of concessions and permits issued under previous laws to retain them in force under such laws until expiration or to have the new law apply to them. It is also provided that the regulatory measures based on the new law must be issued within 180 days from January 16, 1950.

The present law is generally more specific than the 1947 Law, which it replaces, but does not differ appreciably from current practice. The more notable changes are:

1/ Mr. Lindner is also Chief of the United States Fishery Mission to Mexico pursuant to an international agreement, as part of the program of the Government of the United States for scientific and cultural cooperation with other governments as authorized by the United States Information and Educational Exchange Act of 1948 (62 Stat. 6).

1. Permissionnaires operating foreign boats in Mexico under "via la pesca" permits are required to have a representative in Mexico, D. F. with full power of attorney. (Art. 40)

2. Foreign boats operating in Mexican waters under "via la pesca" permits are subject to the provisions of the law in addition to certain special provisions, rather than to a special Law. (Art. 38)

3. At the discretion of the Government, permission to export fishery products can be withheld until the demands of the local markets and the local industries are met. (Art. 18 and Par. VI of Art. 53)

4. A concessionnaire or permissionnaire is not necessarily jointly liable with the fisherman who violates Mexican regulations. (Art. 69)

5. There is established a National Fishery Advisory Commission comprised of officials from the Ministries of Marine, Treasury and Public Credit and Economy, and representatives from the fishery cooperatives, boat owners, fishery processors, etc. The commission will assist the Ministry of Marine in the study of matters pertaining to the various fishery laws and regulations. (Art. 13)

6. Provision is made for the establishment of a National Fishery Register wherein, without charge, must be recorded all fishermen, fishing organizations, vessels, gear, and equipment. (Art. 17)

7. Cooperatives, in order to enjoy exclusive fishing rights to certain species must have at least 60% of the membership composed of professional regional fishermen. (Art. 33)

8. Species reserved for properly constituted cooperatives now are abalone, lobster, oysters, shrimp, totoaba, cabrilla and pismo clams, however others may be permitted to fish these species temporarily where no cooperatives exist. (Art. 35)

EXECUTIVE BRANCH

MINISTRY OF MARINE

FISHERY LAW of the United Mexican States

At the margin a seal with the National Emblem, which says:

United Mexican States. Presidency of the Republic.

I, MIGUEL ALEMAN, Constitutional President of the United Mexican States, make known to the inhabitants thereof:

That the Hon. Congress of the Union has seen fit to transmit to me the following

D E C R E E:

The Congress of the United Mexican States decrees:

F I S H E R Y L A W

OF THE

UNITED MEXICAN STATES

PRELIMINARY CHAPTER

ARTICLE 1. Everything concerning the field of fisheries comes exclusively under Federal jurisdiction.

The dispatch of all matters pertaining to fisheries is the responsibility of the Ministry of Marine, with the participation of other departments of the Executive Branch of the Federal Government, in accordance with the Law of Ministries and Departments of State.

ARTICLE 2. The purpose of this Law is to establish the technical and legal conditions to govern fishing operations and the utilization of the natural resources obtainable through this means, with a view toward achieving maximum utilization without detriment to the necessary conservation and protection of useful species.

ARTICLE 3. For purposes of this Law, fishing is understood not only to mean the act of extracting or taking, by any authorized procedure, biological species or substances whose natural element is water, but also all other activities, before or after, which have a direct or immediate relation thereto, in accordance with the provisions of the Regulations of this Law.

ARTICLE 4. The Ministry of Treasury and Public Credit, with the collaboration of the Ministries of Marine and Economy, shall be responsible for determining taxes, fees, tariffs and other fiscal compensations.

ARTICLE 5. Fishing is subject to the Regulations of this Law: when it is effected in inland waters under Federal jurisdiction, in Mexican territorial waters, in extraterritorial waters by boats of Mexican registry and when it is carried out in accordance with Chapter IV of this Law.

ARTICLE 6. The right to utilize the natural resources occurring in Mexican waters and obtainable through means of fishing is recognized only for Mexicans by birth and Mexican organizations constituted in accordance with the laws of the country.

Foreigners will be able to obtain permission to fish for any of the purposes referred to in the following article, providing that they fulfill the requirements concerning exploitation established in Paragraph I of Article 27 of the Constitution and in its corresponding Organic Law and Regulations.

Concessionnaires and permissionnaires will not be able to admit foreign governments or sovereigns as members, associate members or shareholders, nor to grant them any right to their concession or permit. Consequently, all activities and contracts which violate these precepts shall be void of all rights.

ARTICLE 7. Depending upon the intent for which it is conducted, fishing is classified for purposes of this Law as follows:

a. home consumption,
b. commercial,
c. scientific nature,
d. sport.

ARTICLE 8. Fishing is considered as for home consumption when it is conducted for the sole purpose of obtaining edible products for the immediate use of the person fishing and his family.

Such fishing is exempt of all taxation but is subject to regulatory restrictions.

ARTICLE 9. Commercial fishing is that which is conducted by individuals or commercial organizations pursuing lucrative ends or by cooperative societies of producers.

ARTICLE 10. Scientific fishing is that which is effected for the purpose of study, of stocking, investigation, experimentation, cultivation or to obtain species destined for aquariums or museums.

ARTICLE 11. Sport fishing is that which is carried out merely for recreation or physical exercise.

ARTICLE 12. For technical reasons or in the interest of the public, fishing activities may be restricted, limited or regulated at any time by the Executive Brancy of the Federal Government with respect to their intensity, the extent of the marine and fluvial zones of exploitation, the numbers of persons participating, the requirements which must be fulfilled, the seasons in which they are to be carried out and the species to be taken.

ARTICLE 13. There shall be established a mixed commission, to have a permanent status and to assist the Ministry of Marine in the study of matters pertaining to this Law, its Regulations and other rulings which may be issued. This commission shall be comprised of Government officials and of representatives of private fishing interests. It shall be called the National Fishery Advisory Commission and shall present its opinions on matters submitted to it by the Ministry of Marine or any interested party. The commission shall consist of officials of the Ministries of Marine, Treasury and Public Credit and Economy, as well as of representatives designated for that purpose by private groups legally organized such as fishermen, outfitters of fishing boats, merchants of fishery products and others who have a legitimate interest in fishing activities in Mexican waters.

The Executive Branch of the Federal Government, through the Ministry of Marine, shall issue the Regulations to which the operation of this commission shall be subject.

CHAPTER I

On fishing in general

ARTICLE 14. Fishing should be carried out without obstructing navigation, the natural course of waters or their utilization and without damage to legitimately acquired rights of third parties.

ARTICLE 15. In no instance shall permits or concessions for commercial or sport fishing grant rights which might interfere with or hinder fishing for home consumption by the inhabitants of the region.

ARTICLE 16. The Executive Branch of the Federal Government, through the Ministry of Marine, which, in cases where it is necessary shall hear beforehand the opinion of the National Fishery Advisory Commission, is authorized to:

I. Determine special regulations to which are to be subjected the activities and operations of fishing vessels, as well as all matters concerning the number, condition and capacity of their personnel.

II. Fix closed seasons and localities affected thereby.

III. Determine the minimum measurements and weights which the units or individuals must have of the species whose capture is authorized.

IV. Regulate the application of fishing methods and the use of equipment and gear, as well as prescribe or fix the localities where usage of certain nets cannot be authorized.

V. Designate reserve zones for the cultivation of certain species or for stocking purposes; determine the species which, because of the need for their rational conservation, merit special Government protection and,, in such cases, fix the zones or refuge preserves which are deemed advisable.

VI. Fix communal commercial zones exclusively for coastal fishermen of specific localities or regions, in those exceptional cases where in the judgment of the Executive Branch such protection is justified.

VII. Encourage and attend to all matters concerning rural fish-culture.

VIII. Determine the conditions which must be fulfilled in localities where authorization can be made to individuals or scientific institutions requesting the cultivation of fishes and other biological species which are the object of fishing. Likewise, determine which requirements must be met in each case.

The regulations which result from the authorizations listed in this article must have as their basis the interest of the public and be supported by technically sound principles. They shall be published in the Diario Oficial of the Federation no less than thirty days in advance of their effective date.

ARTICLE 17. The Ministry of Marine shall formulate and maintain up to date a National Fishery Register, according to the provisions set by the Regulations of this Law. All professional fishermen and other persons who engage in commercial fishing activities, as well as the fishing vessels, gear, diving equipment and other implements and installations used in commercial fishing shall be recorded in this Register, free of charge.

The Ministry of Marine shall issue identification cards to the professional fishermen, specialized workers and technicians who take part in fishing activities, once they are recorded in this Register, specifying thereon the type of activity which the holder of the card performs.

ARTICLE 18. The Ministry of Economy, after consultation with the Ministry of Marine, shall, under necessary circumstances, fix the percentage of volume of the production in fresh state which each concessionnaire or permissionnaire authorized for commercial fishing shall be obliged to destine for consumption in the domestic markets and for supplying raw materials to industries established in the country. Exportation of the surplus of such products shall only be authorized after the preceding regulation has been complied with.

ARTICLE 19. Concessionnaires and permissionnaires authorized for commercial fishing must not waste the edible fish or those suitable for industrialization which they catch and which meet the specifications called for by this Law and its Regulations. For this purpose the concessionnaires and permissionnaires shall submit to the Ministry of Marine a plan of utilization of such products, so that this Ministry may decide upon suitable action. The Regulations shall determine which cases are applicable to this ruling.

ARTICLE 20. The Ministry of Marine, in view of the technical decision reached in each instance by the Directorate General of Fisheries and Allied Industries regarding the plan of exploitation which the concessionnaire presents, shall designate each year the maximum quantities of each of the sedentary or fixed marine species he can utilize in the various places covered by his concession.

CHAPTER II

Fishing authorizations

ARTICLE 21. Specific authorization of the Ministry of Marine under the terms of this Law and its Regulations, in the form of a concession or permit, is required: for commercial fishing, that of a scientific nature or sport fishing.

The authorization shall be in form of a concession:

I. When, in accordance with the technical fishery and economic study presented by the applicant and approved by the Ministry of Marine, the nature of the activities to be conducted or the amount of the investment requires a period of more than two years for the fruitful development of the commercial interest sponsoring the fishing.

II. When dealing with the utilization, by fishermen authorized to fish collectively, of fixed or sedentary species which live in groups forming nuclei separated from one another.

In all other cases the authorization shall be granted in the form of a permit.

For corresponding legal purposes, a copy of each concession and permit for commercial fishing shall be remitted to the Ministry of Treasury and Public Credit and, when applicable, also to the Ministry of Economy.

ARTICLE 22. Concessions shall have a duration of not more than thirty years and permits not more than one.

Upon termination of the period of a concession with less than thirty years' duration, the concessionnaire shall have the right to obtain renewal thereof, provided he has complied with all the obligations imposed. In no case shall the total validity of the concession exceed thirty years.

ARTICLE 23. Only in concessions for commercial fishing of sedentary species, for sport fishing in inland waters of the Republic in those cases which are determined by the Regulations of this Law, or for the utilization of aquatic plants, shall exclusive rights be granted to the beneficiaries under the terms specified in the Regulations, except for those provided for in numbered paragraph V of Article 16 of this Law.

ARTICLE 24. Concessions can be transferred, except in the case of Article 37, subject to prior written authorization of the Ministry of Marine. Such authorization shall be granted only if it is authentically proven to this Ministry that the concession is in operation and that the person or society to whom it is transferred is technically and economically capable of continuing to utilize it.

ARTICLE 25. In the concessions and permits the Ministry of Marine shall specify to the interested parties the general technical regulations in conformance with which their operations of taking plants or capturing or extracting zoological species must be carried out.

ARTICLE 26. The granting of concessions and permits for commercial fishing shall be subject, when applicable, to the provisions contained in Paragraph I of Article 27 of the Constitution, its Organic Law and corresponding Regulations.

ARTICLE 27. Prior to the granting of a concession or permit, the fishery concessionnaire or permissionnaire, in order to assure compliance with the obligations and responsibilities imposed upon him for the period of his concession or permit, shall post a bond in accordance with the provisions of the Regulations of this Law.

ARTICLE 28. Concessionnaires and permissionnaires to whom commercial fishing authorization is granted must demand that the professional fishermen, technicians and specialized workers whom they employ in their fishing activities possess the respective credential issued by the Ministry of Marine.

ARTICLE 29. For fishing or for transporting fishery products in their natural state from the place where the fishing is effected to the points of disembarcation within Mexican territory, concessionnaires or permissionnaires must utilize only vessels of Mexican registry which shall fulfill the requirements established by the applicable laws and regulations.

The following are excepted from the provisions of this article: permissionnaires of sport fishing and of fishing for scientific purposes; foreign boats which are permitted to fish in accordance with the regulations of Chapter IV of this Law; and foreign boats which cannot be substituted by vessels of Mexican registry because of special characteristics of the fishing they are undertaking, provided that the Ministry of Marine, after receiving a favorable decision from the Directorate General of Merchant Marine, deems it advisable to grant a provisional authorization.

ARTICLE 30. The industrial transformation in the country of fishery products for which machinery is required must be effected in permanent plants on land.

The Ministry of Marine, after learning the opinion of the National Fishery Advisory Commission, may authorize the use of floating plants as auxiliaries to the permanent plants of the concessionnaire established in Mexican territory, provided it is proven that during the previous two years such permanent plants had an annual production of not less than double the possible annual production of the floating plants. In any case, the floating plants must be operated only by Mexicans and installed in vessels of Mexican registry.

CHAPTER III

On commercial fishing by cooperative societies

ARTICLE 31. Fishermen legally organized as cooperative societies of fishery producers who are directly engaged in fishing activities shall enjoy the benefits granted to them in this chapter.

ARTICLE 32. The Ministry of Marine, taking into consideration the productive potentiality of a fishery and the technical fishery studies that have been realized, shall specify in all cases where it is deemed advisable for the proper protection of the fishery wealth, the maximum number of fishermen of each cooperative who may collectively participate in the capture of such species as require this limitation.

ARTICLE 33. The Cooperative Societies who, by means of their respective permits or concessions wish to engage in fishing activities in exclusive communal commercial zones designated by the Executive Branch of the Federal Government in accordance with the terms of Paragraph VI of Article 16 of this Law, must be constituted in accordance with the General Law of Cooperative Societies and their members be professional regional fishermen of the coast.

ARTICLE 34. The Ministry of Marine shall be authorized to ascertain that the cooperative societies acquire as their property the vessels, fishing equipment and packing and industrial transformation plants which are needed for the development of their social objective, in the understanding that if they require a larger number of these items and are not in a position immediately to secure them in the indicated manner, temporary authorization may be obtained for the renting of the necessary items. The Ministry of Economy shall be so advised so that this Ministry may demand of the respective societies the establishment of a fund sufficient for acquiring ownership of this property.

ARTICLE 35. There is reserved to the cooperatives of fishery producers in which not less than sixty percent of their members are professional regional fishermen, through the granting of concessions, the commercial fishing of abalone,

lobster, oysters, shrimp, totoaba, cabrilla and "pismo" clams. In such cases where the exploitation of any of the species mentioned must be limited in order to effect their rational conservation, preference shall be given in granting the corresponding concessions to cooperatives in which at least one half of the professional fishermen of the region participating therein in the proportion indicated above are coastal fishermen of the locality in which the fishing is to be conducted.

The provisions of the previous paragraphs shall not prevent the granting of concessions for the taking of oysters, abalone or lobster to third parties who are not cooperative societies only when the creation, reproduction and utilization of these species require previous works of cultivation authorized in the corresponding concession, and in zones where these species are not utilized.

Likewise, these provisions shall not prevent the Executive Branch of the Federal Government, through the Ministry of Marine, from granting concessions or permits, as the case may be, for the taking of species reserved to cooperatives, to any outside party who requests them, whenever the Executive Branch deems it advisable in view of the fact that utilization of such species is not being effected, because of the absence of any legally recognized fishing cooperatives organized in the zone or region for which the permit is requested who fill the requirements designated in this article.

The concessions and permits which are granted to third parties referred to in this article shall be temporary and shall be void as soon as there are organized in the respective locality cooperatives who obtain the corresponding concession.

In order for the cooperatives to conduct fishing for the species mentioned in this article a concession must be obtained for each species taken.

Commercial fishing by fishing cooperatives of species not reserved to them shall be regulated in accordance with the terms of Chapter II of this Law, as concerns the necessary authorizations.

ARTICLE 36. The Ministry of Marine shall declare null the concession granted to a cooperative in accordance with the conditions of this Chapter, when proof is established that the cooperative has ceased to fulfill the requirements designated in Articles 33 and 35 of this Law.

ARTICLE 37. The cooperative societies shall not be able under any circumstances to alienate or transfer any of the rights which may be granted to them by means of their fishing concessions.

CHAPTER IV

On fishing in marine territorial waters destined directly and exclusively for foreign countries

ARTICLE 38. Commercial fishing in marine territorial waters of edible migratory species which are destined directly and exclusively for foreign markets in a fresh state and conserving all or the majority of their morphological characteristics shall be subject to the general provisions of this Law, the specific terms of this Chapter and the respective regulations.

ARTICLE 39. In order to conduct the type of fishing referred to in the previous article it is necessary to obtain directly from the Ministry of Marine the corresponding authorization, under the terms fixed by the Regulations of this Law.

ARTICLE 40. Prior to the granting of the permit the applicant shall, in accordance with the terms established by the Regulations of this Law, make a cash deposit in Mexico to guarantee his compliance with the obligations imposed upon him and the payment of fines that may be incurred.

The permissionnaire likewise must have a duly accredited representative in Mexico, D. F. who is fully authorized to deal and undertake obligations in his name with the Ministry of Marine and other departments of the Executive Branch of the Federal Government in all matters relative to the permit.

ARTICLE 41. For each trip and for each boat intended to conduct the fishing activities authorized him, the permissionnaire must obtain a "Via la Pesca" clearance in accordance with the terms and requirements designated in the Regulations of this Law. This clearance must be returned for cancellation within the period specified thereon.

Before a "Via la Pesca" clearance can be issued it is absolutely essential that the applicant present to the Office from which he is requesting the clearance, the registry certificate issued by the proper marine authorities, establishing proof of the net tonnage of the vessel.

ARTICLE 42. Commercial fishing referred to in this Chapter shall be subject to special taxes designated in the respective Tariff.

ARTICLE 43. The provisions of this Chapter do not allow for or permit commercial fishing of sardines or anchovetas; nor of other species which might be affected by orders issued by the Executive Branch of the Federal Government based on Articles 12 and 16 of this Law.

The taking of live sardines for bait used in the fishing of tuna and other species shall not be effected in zones where, according to specific decision of the Ministry of Marine, such activity is prohibited.

Likewise the provisions of this Chapter do not allow for or permit commercial fishing in the reserved zones under the terms of this Law.

In the Mexican territorial waters of the Coronado Islands off the West Coast of Baja California commercial fishing shall be permitted only by vessels of a maximum of three net tons capacity, provided nets are not used.

ARTICLE 44. It is prohibited to transport any type of fishery product in a fresh state outside of the holds, ice-boxes or other places authorized by the fishery registration certificate of the vessel. In case this regulation is violated the permissionnaire shall pay for the products transported outside of the authorized places, a fee per unit equal to twice the unit fee corresponding to the amount legally transported.

ARTICLE 45. It is prohibited to transport any filleted or semi-prepared species.

ARTICLE 46. The Ministry of Marine shall have the option of authorizing captains of fishing boats who operate under the regulations of this Chapter not to enter Mexican ports located along the route of their authorized trip.

ARTICLE 47. The registration of vessels, the certification of their tonnage, the verification of sizes of their holds, ice-boxes and other places in which transportation of their fishery products is authorized, as well as the registration and inspection of nets and other fishing equipment shall be made by the proper authorities under such terms and in such places as are designated by the Ministry of Marine.

The arranging for "Via la Pesca" clearances and the returning of same within the period specified thereon; the issuance of credentials to fishermen and crew members, technicians and special workers; also the securing of all other documents which must be obtained from our authorities in the port of departure, can be accomplished in Offices expressly authorized by the Ministry of Marine established either in Mexico or in foreign countries.

CHAPTER V

Fishery inspection and supervision

ARTICLE 48. The inspection and supervision of fishery activities is the responsibility of the Directorate General of Fisheries and Allied Industries of the Ministry of Marine. The Ministry of Treasury and Public Credit shall conduct the corresponding fiscal inspection, in accordance with the Regulations of this Law.

The Regulations of this Law shall designate the requirements and conditions which must be met by the persons responsible for conducting the inspection and supervision referred to in this Chapter.

ARTICLE 49. Concessionnaires are required to submit the reports determined by the Regulations of this Law and to facilitate the inspections specified therein.

ARTICLE 50. Transportation of fishery products must be covered by the documents required by the Regulations of this Law.

ARTICLE 51. Transportation companies shall require that the persons using their lines for transporting fishery products present beforehand the documents referred to in the previous article.

ARTICLE 52. Payments of taxes or fees on fishery products shall be accepted by the fiscal authorities of the Republic under their responsibility. Personnel of the Ministry of Marine shall supply all necessary data for this purpose.

CHAPTER VI

Obligations and restrictions upon persons engaged in fishing and for third parties

ARTICLE 53. In addition to obligations of a general nature mentioned in this Law, the following are also obligations of persons engaged in fishing:

I. To register in the National Fishery Register in order to comply with the provisions of Article 17.

II. To capture only those species permitted and only during open seasons and in authorized localities.

III. To confine themselves in fishing for those species permitted, to the dimensions and weights fixed in the respective regulatory provisions, as well as to the maximum amount of catch designated by the Ministry of Marine. All specimens which do not conform with the specifications of dimension or weight shall be returned to the water.

IV. To return to the beds or reefs, any specimens which, upon sorting, are found to be of smaller dimensions than those determined in the corresponding regulations.

V. To comply strictly with the regulations decreed by the Ministry of Marine in order to achieve optimum results from closed season, restrictions and limitations.

VI. To destine for the fulfillment of the needs of domestic consumption and to supply industries established in the country, the percentage of the volume of production in a fresh state which is determined by the Ministry of Economy, under the terms of Article 18.

VII. To give the information requested by the Fishery Inspection Service and fiscal authorities concerning the origin of the products.

VIII. To keep a book in accordance with the conditions and terms designated in the Regulations, in which will be recorded chronologically the volume of fishery catches and exportations.

ARTICLE 54. The following are the obligations of third parties with respect to the fisheries:

I. To verify the lawful origin of fishery products which they acquire for commercial or industrial purposes.

II. To declare, in accordance with the terms of the Regulations, stocks of fishery products which for commercial and industrial purposes are on hand at the beginning of any closed season or upon entry into force of any order affecting such stocks.

III. To give the information requested by the Fishery Inspection Service and fiscal authorities regarding the origin of the products.

ARTICLE 55. It is prohibited for those who conduct fishing to perform the following acts:

I. To employ explosives in waters inhabited by fish or contaminate the waters with substances which might damage or destroy them.

II. To empty or allow to run into waters where fish exist, any substance poisonous or harmful to them, except in fortuitous instances or cases of <u>force majeure</u>, to be determined by the Ministry of Marine.

III. To have with them prohibited fishing gear or permit the transportation on their fishing vessels of explosives or poisonous substances the use of which is prohibited in fishing activities.

IV. To abandon on shores or banks or to throw into the water, fishery products or their offal, in the zones designated in the regulatory provisions.

V. To blind captured turtles or to trade in their eggs without permission or destroy their nests.

VI. To destory the nests of alligators or commit any act against their reproduction.

VII. To destroy or remove the eggs of fishes without express authorization of the Ministry of Marine.

VIII. To use trawl nets in protected waters or in open waters where sedentary species exist; also to use nets in violation of the regulations based on Paragraph IV of Article 16.

IX. To take products in fishery preserves or in refuge zones.

X. To install stationary fishing gear without the direct authorization of the Ministry of Marine.

XI. To introduce species of animals or plants into inland waters under Federal jurisdiction without prior written authorization from the Ministry of Marine.

XII. To use diving suits for the taking of sponges in depths less than six fathoms.

XIII. To pull up algae by the roots or to employ other systems which result in a decrease in the potentiality of the beds.

XIV. To use for commercial purposes products obtained under a permit for scientific or sport fishing.

ARTICLE 56. The restrictions contained in Paragraphs I, II, III, IV, V, VI, VII and XI of the preceding article are applicable to third parties.

CHAPTER VII

Violations and penalties

ARTICLE 57. The Ministry of Marine is authorized to impose in each case the penalties which in accordance with this Chapter are applicable to those who violate this Law, its Regulations and other rulings.

ARTICLE 58. The penalties referred to in the preceding article shall be:

I. Fine.

II. Administrative imprisonment of not more than fifteen days.

III. Confiscation of catches and fishing gear.

IV. Revocation of the permit.

V. Nullification of the concession.

VI. The loss to the Nation of the amount of the guarantees posted under the terms of this Law and its Regulations.

VII. Prohibition from conducting any act of fishing.

ARTICLE 59. Fines shall be imposed in the following instances, their amount being determined according to the gravity of the violation, within the limits indicated below:

I. $100 to $1,000 for non-compliance with the provisions of Articles 28, second paragraph of 40, 49, 50 and 51, with numbered paragraphs I, VII and VIII of Article 53 and with numbered paragraphs I, II and III of Article 54; for violation of rulings contained in the last part of Article 32; and for violation of numbered paragraphs IV and V, VII, X, XII and XIII of Article 55.

II. $100 to $5,000 for violation of Article 14; for non-compliance with contents of numbered paragraphs III, IV and VI of Article 53; and for violation of Article 19 and of numbered paragraph XI of Article 55.

III. $100 to $10,000 for conducting fishing without having the authorization provided for in Articles 21 and 39; for non-compliance with contents of numbered paragraph II of Article 53; for violation of Article 25 and for violation of restrictions cited in numbered paragraphs I, II, III, VIII, IX and XIV of Article 55.

IV. $500 to $10,000 for violation of rulings of Articles 29, 30, first paragraph of 41, 43, 44, 45 and 47; and for failing to comply with stipulations of numbered paragraph V of Article 53.

V. Third parties who violate the restrictions contained in numbered paragraphs I, II, III, IV, V, VI, VII and XI of Article 55, shall incur the respective penalties.

VI. $100 to $5,000 for violations of this Law not expressly provided for in this Chapter.

ARTICLE 60. In case of proved insolvency of the violator to pay the amount of the fine, the Ministry of Treasury and Public Credit shall communicate the fact to the Ministry of Marine so that the latter may impose the appropriate imprisonment through the proper authority, in substitution of the fine.

ARTICLE 61. Confiscation of catches shall take place when fishing is conducted without the proper authorization; and confiscation of fishing gear under the same circumstances, as well as when prohibited fishing gear is used.

The products which may be conserved shall be disposed of and proceeds turned over to the Fiscal Department, though the Office of National Properties and Administrative Inspection, or, in absence of same, through the proper Fiscal Office.

Confiscated fishing gear, when its use is prohibited, shall be destroyed in the presence of officials of the offices mentioned.

Confiscated fishing gear whose use is not prohibited shall be auctioned in the presence of the proper officials.

In the case of fishery products which cannot be conserved they shall be given, whenever possible, to a charitable institution, or in its absence, shall be burnt in the presence of the officials mentioned in the preceding paragraphs.

ARTICLE 62. The following are causes for the revocation of a permit or for the nullification of a concession:

I. Because the concessionnaire or the permissionnaire allows the participation of intervention of a foreign government in his operations.

II. Because the concessionnaire or permissionnaire takes any step, formal or informal, to bring about the diplomatic protection of his authorization or his foreign investments.

III. Because the concessionnaire, without prior and express authorization of the Ministry of Marine, transfers in their entirety or in part, the rights of his concession, or the permissionnaire transfers his permit.

IV. Because at any time one or more shares of the concessionnaire are found to be in the hands of foreign companies or individuals, without having fulfilled the requirements of numbered paragraph I of Article 27 of the Constitution.

V. Because the concessionnaire or permissionnaire defrauds fiscal interests or unjustifiably refuses to pay any amount due the Treasury, after a hearing before the proper authority.

VI. Because the concessionnaire does not comply with the primary object of his concession.

VII. Because the concessionnary or permissionnary organization declares fraudulent liquidation or bankruptcy.

VIII. Because the concessionnaire or permissionnaire re-violates any of the rulings contained in numbered paragraphs I to III, VII and X of Article 55.

IX. Because, in the case of a cooperative society, the Ministry of Economy revokes its authorization to operate; or the cooperative alienates or transfers any of the rights granted in its concession or fishing permit; and in cases provided for in Article 36 of this Law.

ARTICLE 63. The loss in favor of the Nation of the amount of guarantees posted in accordance with the terms of this Law and its Regulations in order to assure the compliance with obligations imposed upon the interested parties or responsibilities which they may incur shall be effected whenever the nullification of a concession or permit is definitely declared.

ARTICLE 64. In instances where the nullification of a concession or permit is declared because of any of the reasons designated in numbered paragraphs I, II, III, V or VII of Article 62, there shall be imposed as penalty the prohibition from conducting any act of fishing during the period which is deemed advisable, but not to exceed five years.

ARTICLE 65. When in the opinion of the Ministry of Marine it is deemed advisable to impose any of the penalties provided for in this Chapter, because of violation of the corresponding restriction, a detailed statement shall be prepared covering the facts of the case, specifying the names of the violators, the regulations considered to be violated and all available evidence to establish the violation disclosed.

From the outcome of this statement, in case the responsibility of the alleged violator is established, he shall be afforded ten days in which to present a statement explaining his defense and offering proofs to clear himself, this ten-day period to commence on the date the interested party receives the said communication, which shall be sent to him by registered mail, return receipt requested.

Once the statement of the party involved is received, the Ministry shall allow a period of not less than ten days for receipt of pending proofs of the defendant.

Once the proofs are assembled or the probational period has elapsed, the Ministry shall issue its final decision, within the succeeding ten days.

ARTICLE 66. In case the interested party does not appear before the Ministry within the period set by the preceding article or in the event that, after having taken the steps outlined therein, it is proved that the violation has been committed, the Ministry shall impose the corresponding penalty without further procedure.

In instances of the nullification of a concession, the periods established in Article 65 shall be doubled.

ARTICLE 67. Once a violation is proved and the corresponding penalty imposed, the Ministry of Marine shall submit a copy of the respective statement to the Ministry of Treasury and Public Credit so that the latter, in accordance with legal procedure, may make effective the fines imposed and exact, when applicable, settlement of obligations incurred.

ARTICLE 68. In all instances of re-violation, when monetary penalties are involved, there shall be imposed successively double the amount of the previous penalty, provided the maximum quantity established in this Law is not exceeded.

For purposes of this article it is understood that re-violation occurs when the same person commits the same violation within a period of two years.

ARTICLE 69. The concessionnaires and permissionnaires shall be responsible for violations which are committed in fishing conducted under their concessions or permits, they being liable for the respective penalties, unless it is proved that the violation is not chargeable to them because of it having been committed without their consent or against their express instructions. In this case the responsibility shall fall directly upon the violator.

TRANSITORY ARTICLES

ARTICLE 1. The Law covering Fishing in Mexican Territorial Waters of the Pacific Ocean and the Gulf of California, of December 26, 1938: the Fishery Law of December 31, 1947; and all other legal rulings which differ from this Law, are hereby abolished.

ARTICLE 2. Fishing concessions and permits granted in conformance with preceding laws which are still valid shall continue to be governed by such laws until their expiration date; this, however, does not preclude concessionnaires or permissionnaires from making use of this Law if they consider it favorable to their interests.

ARTICLE 3. Until there is established the National Fishery Register, in which all professional fishermen must record for the corresponding purposes, their status as professional regional fishermen, regional fishermen of the coast, or residents of a specified federal state, such status shall be certified by the proper credential issued by the Ministry of Marine.

ARTICLE 4. This Law shall enter into force sixty days after its publication in the Diario Oficial of the Federation.

ARTICLE 5. The Regulations of this Law shall be issued within the 180 days following its publication.

In compliance with the provisions of numbered paragraph I of Article 89 of the Political Constitution of the United Mexican States, and for its publication and observance, I promulgate this Law in the residence of the Federal Executive Power in the City of Mexico, Federal District, on this thirty-first day of the month of December in the year one thousand nine hundred and forty-nine. -- Miguel Aleman. -- Signature. -- Under-Secretary of Marine in Charge of the Office, Alberto J. Pawling. -- Signature. -- The Minister of Economy, Antonio Martinez Baez. -- Signature. -- The Minister of Treasury and Public Credit, Ramon Beteta. -- Signature. -- Under-Secretary of Foreign Relations in Charge of the Office, Manuel Tello. -- Signature. -- The Minister of Government, Adolfo Ruiz Cortines. -- Signature. --- The Minister of Communications and Public Works, Agustin Garcia Lopez. -- Signature. -- The Under-Secretary of National Properties and Administrative Inspection, in Charge of the Office, Hugo Rangel Couto. -- Signature. -- The Minister of Health and Public Welfare, Rafael Pasoasio Gamboa. -- Signature.